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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,899	01/14/2004	Won-Pyo Park	678-1167 (P10780)	4765

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UNIONDALE, NY 11553

EXAMINER
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RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/757,899

Applicant(s)

PARK, WON-PYO

Examiner

Melur Ramakrishnaiah

Art Unit

2614

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See the enclosed explanation.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Melur Ramakrishnaiah*  
Melur Ramakrishnaiah  
Primary Examiner  
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**Response to Arguments for Final Rejection**

Rejection of claims 1, 4-6 under 35 U.S.C. 103(a) as being obvious over Makishima (JP2001-128113) in view of Obradovich et al. (US 2002/0013815A1), hereinafter Obradovich): Regarding rejection of the above claims, Applicant argues that "The examiner concedes that Makishima does not teach the method step of transmitting, in real time, image data generated by image-processing unit to a remote storage device, which is recited in claim 1. The examiner cites Obradovich for teaching this recitation. It was previously argued ... in Obradovich, the images and audio data are synchronized in real-time, and are synchronized in real time, and are not disclosed as being transmitted in real time". Regarding this, contrary to applicant's interpretation of Obradovich, Obradovich clearly teaches the following: Digital camera (460, fig. 13) is also included in PCD (120, fi. 13). Camera (460, fig. 13) is capable of capturing an image that can be stored locally or transmitted to a server (105, fig. 1) for storage in a selected user profile, e.g, vacation profile, or for transmission over Internet. Camera (460) may also transmit digital images synchronized with audio data to provide real-time audio/visual data or may transmit audio (170, fig. 1) to another party (first 7 lines of paragraph: 0082). This disclosure clearly reads on Applicant's claim recitation such as transmitting in real time image data generated by image processing unit to a remotely located file storage device having memory, etc. Applicant further argues that "In the response to arguments, the Examiner contended that the first 5 lines of paragraph [0082] clearly reads on recitation at issue. Respectfully, Applicant cannot see how they do so. Specifically, these first 5 lines disclose ... it is impossible for the Applicant, or

any reader of Obradovich for that matter, to discern how the transmission of image in Obradovich occurs, for all anyone knows, the image transmission in Obradovich could be delayed, or occur even occur upon some user manipulation. There's simply no way to tell, because Obradovich makes no mention of how transmission occurs therein.

Regarding this, there is no basis for Applicant observations such as above other than pure speculation because Obradovich clearly teaches: Camera (460, fig. 13) is capable of capturing an image that can be stored locally or transmitted to a server (105, fig. 1) for storage in a selected user profile, e.g, vacation profile, or for transmission over Internet. This does not imply applicant's above-mentioned scenarios. Since the combination of Makishima and Obradovich teach applicants claim limitations such as recited in independent claim 1, rejection of claim 1 is maintained.

Rejection of claims 2-3 under 35 U.S.C. 103(a) as being obvious over Makishima in view of Obradovich as applied to claim 1 above, and further in view of Fukuda (US2003/0012156 A1, filed 3-7-2001): Regarding rejection of claims 2-3 using the above combination, Applicant argues that "it is respectfully asserted that the Examiner is incorrect for at least the reasons stated above, and further, since Fukuda does not cure the stated deficiencies of Makishima and Obradovich". As explained above, the combination of Makishima and Obradovich teaches applicant's limitations independent claim 1, rejection of claims 2-3 is maintained as set forth in the final rejection dated 9-13-2006.

Rejection of claims 11-14 under 35 U.S.C. 103(a) as being obvious over Makishima in view of Obradovich and Fukuda: regarding rejection of independent claim

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11, Applicant argues that "Claim 11 sets forth a system for storing image data that includes a base station that transmits image data in real time from mobile communication terminal to the file storage device. Contrary to the Examiner's assertion that Obradovich discloses transmitting in real time image data from the mobile communication terminal to the file storage device, it is respectfully submitted that this feature is not taught in Obradovich in view of at least the foregoing explanation with respect to the rejection of claims 4-6. Fukuda does not cure this deficiency of Makishima in view of Obradovich". Regarding this, as explained in response to applicants arguments with respect to rejection of independent claim 1, contrary to Applicant's interpretation of references, the combination of Makishima and Obradovich teaches the limitation such as a system for storing image data that includes a base station that transmits image data in real time from mobile communication terminal to the file storage device as set forth above and also as set forth in the final rejection dated 9-13-2006. Therefore, rejection of the claims is maintained.

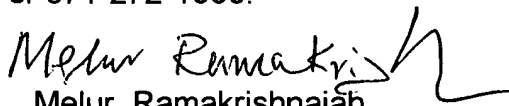
Rejection of Claims 7-10 under 35 U.S.C. 103(a) as being obvious over Makishima in view of Obradovich as applied to claim 6 above, and further in view of Sellen et al. (US 2003/0011682, hereinafter Sellen): Regarding rejection of the above claims, Applicant harps back to the arguments made with respect to claims 1, 4-6. As explained above with respect to Applicants arguments with respect to claims 1, 4-6, contrary to Applicant's interpretation of references, the combination of Makishima and Obradovich teaches limitations independent claim 1 and therefore rejection of dependent claims 7-10 is maintained as set forth in the final rejection dated 9-13-2006.

In light of the above explanation, rejection of claims 1-14 is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Melur Ramakrishnaiah  
Primary Examiner  
Art Unit 2614